

REMARKS

Reconsideration and allowance of the above-captioned patent application are respectfully requested. This application relates to selective irreversible caspase-3 inhibitors as active site probes.

Claims 1 to 21 are currently pending in the application. Claims 1, 3 to 8 and 19 stand rejected on the ground of non-statutory obviousness-type double patenting over Claims 1 to 20 of U.S. Patent No. 6,525,025 ("Han"). Claims 2 and 18 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. This indication of allowability is appreciatively acknowledged. Claims 9 to 17, 20 and 21 have been withdrawn from consideration. The Examiner acknowledged Applicants' request for rejoinder of Claims 12, 14, 15, 16, 20 and 21.

This Amendment cancels Claims 9 to 11, 13 and 17 and amends Claims 8, 20 and 21. Upon entry of this Amendment, claims in the application will be Claims 1 to 8, 12, 14 to 16 and 18 to 21.

With respect to the obviousness-type double patenting rejection, Applicants submit herewith a terminal disclaimer in compliance with 37 CFR 1.321(c) to overcome this rejection. Withdrawal of the obviousness-type double patenting rejection of Claims 1, 3 to 8 and 19 is respectfully requested.

Withdrawn Claims 9 to 11, 13 and 17 have been canceled. Claims 20 and 21 have been amended to remove the dependency to the canceled claims.

As Claims 1 to 8, 18 and 19 are now allowable, Applicants request that withdrawn claims 12, 14 to 16, 20 and 21, which depend from allowable compound claims, be rejoined pursuant to M.P.E.P. § 821.04.

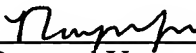
Claim 8 has been amended to correct an obvious error of a minor nature.

Applicants submit that the application is in condition for allowance and passage thereto is earnestly requested. Any additional fees required in connection with this Amendment

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may be taken from Merck Deposit Account No. 13-2755. The Examiner is invited to contact the undersigned attorney at the telephone number provided below if such would advance the prosecution of the case.

Respectfully submitted,

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